

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BERNARD T. FLORES, AND
BENJAMIN T. FLORES,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.

Case No.: C-13-2410 JSC

**ORDER REFERRING PLAINTIFFS'
COUNSEL LINDA VOSS TO THE
STATE BAR**

Defendant Wells Fargo Bank, NA (“Wells Fargo”) removed this action from the San Mateo County Superior Court on May 28, 2013 based on diversity jurisdiction. (Dkt. No. 1.) On June 18, 2013, Wells Fargo moved to dismiss the complaint for failure to state a claim upon which relief could be granted. (Dkt. No. 8.) Plaintiffs failed to file an opposition or statement of non-opposition as required by Local Rule 7-3 so the Court issued an Order to Show Cause as to why the action should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (Dkt. No. 10.) Plaintiffs failed to timely respond to the Court’s Order; instead, Plaintiffs, through counsel, moved to voluntarily dismiss the case on July 24, 2013. (Dkt. No. 11.)

1 The Court did not grant Plaintiffs' motion because it had come to the Court's attention
 2 that Plaintiffs' counsel, Linda Z. Voss, was suspended from practice in this Court on an
 3 interim basis on June 3, 2013. *See In re: Linda Z. Voss*, No. 13-mc-80120-WHA, Dkt. No. 1.
 4 This suspension became final on July 18, 2013. *Id.* at Dkt. No. 2. As far as the Court is
 5 aware, Counsel Voss has not challenged this suspension in any way. Nor had Voss filed a
 6 notice of her suspension in this action or any of the many other actions which were then
 7 pending in the District Court for the Northern District of California. *See, e.g., Copper Hill,*
 8 *Inc. v. Pagtalunan et al.*, No. 13-cv-01345-LB; *AH4R-CA, LLC v. De Leon et al.*, No. 13-cv-
 9 01667-WHO; *Lampa-De Leon et al. v. Deutsche Bank, NTC*, No. No. 13-cv-01709-LB;
 10 *Granite Ranch Opportunities, LLC v. Hecker*, No. 13-cv-02966-WHO; *Caballero et al v.*
 11 *Bank of New York Mellon*, No. 13-cv-03178-EMC; *Garcia et al v. Aurora Loans Services et*
 12 *al.*, No. 13-cv-03028-PJH.

13 The Court thus ordered counsel Voss to personally appear and show cause as to
 14 whether the motion for voluntarily dismissal she filed on Plaintiffs' behalf was filed with their
 15 consent and whether they had notice of her suspension from practice. (Dkt. No. 13.) Counsel
 16 Voss was also ordered to show cause as to why she should not be referred to the California
 17 State Bar based on her (1) continued filing of pleadings in this Court after she had been
 18 suspended from practice, (2) failure to provide the Court with notice of her suspension, and
 19 (3) her failure to substitute counsel or make other arrangements regarding representation of
 20 her clients. Counsel Voss was ordered to serve a copy of the Order to Show Cause on
 21 Plaintiffs individually and file proof of service with this Court within seven days.

22 Counsel Voss failed to file the proof of service within seven days, although she did
 23 personally appear at the Order to Show Cause hearing on August 15, 2013. At the hearing,
 24 Counsel Voss conceded that she had case management issues, but represented that her clients,
 25 the Plaintiffs here, had been informed of her suspension from practice, this Court's Order to
 26 Show Cause, and the motion to voluntarily dismiss this action. Counsel Voss represented to
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1 the Court that she would file proof of service to this effect with seven days. To date, Counsel
2 Voss has failed to file anything further in this action.¹

3 Given Counsel Voss's repeated failures to comply with this Court's Orders and her
4 apparent failure to comply with her professional and ethical responsibilities to provide
5 competent representation to her clients, and keep her clients informed about significant
6 developments in this and likely other actions, the Court hereby refers Counsel Linda Z. Voss,
7 California State Bar No. 111434, to the State Bar of California.

8 The Clerk shall forward a copy of this Order to the State Bar of California, Office of
9 the Chief Trial Counsel, 1149 South Hill Street, Los Angeles, California 90015-2299.

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11 **IT IS SO ORDERED.**

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13 Dated: September 23, 2013

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16 JACQUELINE SCOTT CORLEY
17 UNITED STATES MAGISTRATE JUDGE
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28 ¹ Counsel Voss has likewise failed to comply with a similar order to show cause issued by
District Judge Chen in *Caballero v. The Bank of New York Mellon, et al.*, No. 13-3178 EMC
(Dkt. No. 22).